

**Country session:** Guinea

**Date of session:** 25 September (76<sup>th</sup> Session)

## Background information

[OHCHR press release](#)

Webcast: [OPSC](#) / [OPAC](#)

Summary records: [OPSC](#) / [OPAC](#)

[Audio file](#)

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

### State report:

Common core document	
<a href="#">Initial submission</a>	17 December 1998

OPAC		OPSC	
No. of report	1 <sup>st</sup>	No. of report	1 <sup>st</sup>
Due date	18 November 2018	Due date	15 December 2013
Submission	8 April 2016	Submission	8 April 2016
<a href="#">Written replies to LOIs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 3 July 2017	<a href="#">Written replies to LOIs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 3 July 2017

**Additional comments:** The Committee commended the detailed State reports. The Committee also noted with appreciation that the reports addressed areas and issues where the State itself believed there was room for improvement.

### Public reports from children's rights defenders

<a href="#">Alternative Reports / Additional Information</a>	
NGOs	<ul style="list-style-type: none"> <li>▪ COLTE / CRC</li> <li>▪ Human Rights Watch</li> </ul>

## State delegation

The multi-sectorial delegation was led by Ambassador Extraordinary and Plenipotentiary from the Permanent Mission of Guinea to the UN in Geneva, Mr. Aly Diane, who was supported by representatives of the Ministry of Social Affairs and Advancement of Women and Children's Affairs.

See the list of State delegation representatives [here](#).

## Committee’s Task Force members

Name & Last Name	Country
Mr. Hatem KOTRANE (OPSC)	Tunisia
Ms. Suzanne AHO ASSOUMA (OPSC/OPAC)	Togo
Mr. Benyam Dawit MEZMUR (OPAC)	Ethiopia

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was constructive, open and honest. The answers of the State delegation to the Committee’s questions on OPSC were detailed and focused mainly on law implementation and programs to prevent and combat child trafficking. The discussion on OPAC focused mainly on measures taken to prevent the enrolment of children into armed groups.

### ii. General assessment made by the Committee

The Committee commended the State for having ratified OPSC and OPAC, and noted with appreciation various legislative and administrative measures taken for the implementation of the Protocols. However, the Committee urged the State to further harmonize the domestic Children’s code. Moreover, the Committee stressed the need for appropriate budget allocations to enable and strengthen coordination between various relevant institutions as well as the need to allot adequate resources for the implementation of policies and strategies. The Committee also put strong emphasis on the need for increased efforts to develop and implement an effective data collection system, to strengthen birth registration mechanisms, and to build capacity within the various mechanisms that had been put in place.

### iii. Main issues discussed:

#### *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

- **Legislation:** Remarking that the Guinean Children’s Code prohibited trafficking of children and pornographic material involving children, the Committee asked the delegation to clarify whether forced child labour was defined as the sale of children and whether this offence was criminalized, including in relation to individuals who facilitated the act. The delegation replied that a Committee had been set up by the Ministry of Justice with a view to review and revise the Children’s Code. The delegation said that this would entail an opportunity to include the Committee’s recommendations relating to the definition of offences prohibited under the Protocol.
- **Trafficking of children:** The Committee inquired information about measures to tackle trafficking of children. The delegation replied that a National Committee Against Trafficking had been set up. This Committee was directly supported by the President which had enabled staff to travel along the border to conduct trainings and raise awareness among relevant actors. A national anti-trafficking strategy was being developed with the IOM and UNICEF to combat the movement of children across borders, and at the community level, tools allowing for the identification of children in vulnerable situations had been developed. A new child policy focusing on prevention as well as care of child victims of abuse, violence and exploitation had been drafted and presented to international development partners. Moreover, reintegration services for street children were in place, the school curriculum included topics of violence, and a helpline had been established by NGOs. The delegation held

that the fight against child trafficking, as well as the sale of children and sexual violence against children, were priorities of the Government but voiced the need for support and assistance of partners in these endeavours.

#### *Optional Protocol on the Involvement of Children in Armed Conflict*

- **Birth registration / age verification:** The Committee asked how the birth registration system was organized in the country. The delegation acknowledged the shortcomings with regards to birth registration but said that improvements were underway. With support of the EU, a modern birth registration was being developed and birth certificates would be digitalized. This would further guarantee that the minimum age of recruitment was complied with, as a person could not be recruited without proper identity documents.
- **Treatment of children associated with armed groups:** The Committee inquired information about the policy and programmes in place for the reintegration and rehabilitation of children affected by armed conflict. Committee members also asked whether there were sufficient and qualified personnel working with and for children and whether children who had been recruited by armed groups in the past were treated as victims or perpetrators of crimes. The delegation replied that those children were afforded particular protection and that community support and ongoing assistance was provided by UNICEF, and that those programs were set up by the Government.
- **Measures adopted to prevent offences prohibited under the Protocol:** The Committee asked whether there were any prevention programs in place. The delegation replied that preventative measures were the backbone of the Guinean domestic law, as such measures were less costly than curing harm that had already been caused. Thus, all children protection related issues were integrated and included in the law. The State had furthermore signed twelve specific commitments to protect the rights and wellbeing of children, which took into account emerging issues, and had adopted a national action plan to support those commitments. The delegation also explained that training and awareness raising activities were being conducted.
- **Children joining armed groups:** The Committee voiced its concern about children who crossed the border to join armed groups in Côte d'Ivoire, Sierra Leone and Liberia and asked about efforts undertaken to combat this. The delegation replied that trainings and awareness raising activities were offered to police, military officers and security forces who operated along the borders. Those forces intercepted the children and brought them back to their families. In this regard, the delegation stressed that prior to returning a child back home, social workers carried out investigations into the situation of the child, with a view to ensure that these children would not attempt to cross the border to go to areas of armed conflict. The delegation further explained that it had become clear to the Government that children who left their homes to join armed groups came from small villages where there were no schools. Therefore, more schools had been built.

## **Recommendations of the Committee**

### *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Data collection:** With reference to its previous concluding observations made under the Convention on the Rights of the Child, the Committee urged the State to develop and implement a comprehensive, coordinated and effective data collection system on all areas covered by the Optional Protocol, so as to allow for analysis of the situation of children as well as monitoring and impact assessments of measures taken.
- **Coordination and evaluation:** Reiterating its previous recommendations made under the Convention, the Committee recommended the State to take adequate measures to ensure that the Guinean Committee on the protection of Children's Rights (CGSDE) can guarantee the main coordination of the implementation of children's

rights and the Optional Protocol. Corresponding responsibilities of all other relevant actors should be clearly defined, the collaboration between the CGSDE and all other relevant institutions should be strengthened, and be provided with sufficient resources.

- **Child Sex Tourism:** The Committee urged the State to engage with the tourism industry on the harmful effects of sexual exploitation of children in travel and tourism. The State should also urgently impose appropriate penalties on the offenders.
- **Impunity:** The Committee recommended the State to take all necessary measures to guarantee that offenses under the Protocol are investigated and that mediation is not used in cases of sexual exploitation and abuse of children.
- **Measures adopted to protect the rights and interests of child victims:** In light of its previous concluding observations made under the Convention, the Committee recommended the State to ensure that child victims or witnesses are not revictimized and that evidence, including video recordings of testimonies, is always accepted in judicial procedures. The State should also allocate sufficient resources to ensure that free legal aid and support from child psychologists and social workers is provided to child victims.

#### *Optional Protocol on the Involvement of Children in Armed Conflict*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Independent monitoring:** Recalling its concluding observations under the Convention, the Committee urged the State to provide the independent national human rights institution with all necessary and sufficient resources to carry out its mandate. The State should allow for the institution to effectively monitor the progress made and to address complaints from children. It should also continue seeking technical assistance from UNDP and OHCHR, among others.
- **Data Collection:** The Committee reiterated its previous recommendations made under the Convention, and recommended the State to set up national system collecting disaggregated data. The State should also put in place a mechanism which allows for registration of all asylum-seeking and refugee children placed under the State's jurisdiction.
- **Age verifications procedures:** The Committee echoed its previous recommendations made under the Convention on the Rights of the Child, and recommended the State to increase its endeavours, especially in rural areas, to digitalize its civil registry system and reach universal birth registration in order to ensure the identification of children. The Committee further recommended the State to issue guidelines on verifying the age of candidates to the armed forces and to instruct recruiters that a person should not be recruited, should there exist any doubt about a person's age.
- **Criminal legislation and regulations in force:** The Committee recommended the State to explicitly criminalize the recruitment of children below the age of 18 years by armed forces, non-State armed groups and private military and security companies as well as the complicity to the crimes covered under the Protocol. Moreover, the State should introduce sanctions proportionate to the seriousness of the offenses and revoke provisions for limitations to such offenses. The State should also define and punish the recruitment of children under 15 years of age as a war crime, and broadly disseminate the new legislation and ensure that the necessary resources are available for its implementation.
- **Extraterritorial jurisdiction:** The Committee recommended the State to establish and practice extraterritorial jurisdiction over offenses prohibited by the Optional Protocol, if these acts are perpetrated by or against a

Guinean national or a person with a close link to the State, irrespective of whether that individual is a member of the armed forces.

- **Measures adopted to protect the rights of child victims:** With reference to its previous concluding observations made under the Convention, the Committee recommended the State to revise the Code of Military Justice to ensure that children associated with armed forces and armed groups are treated as victims and witnesses, and to ensure that all those children are provided with the protection as guaranteed by the Convention.

### Next State report

CRC	
No. of report	3 <sup>rd</sup> – 4 <sup>th</sup>
Due date	1 September 2017
Submitted	28 August 2017

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.